

Message Text

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PAGE 01 USUN N 01521 130038Z

64

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CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

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FROM LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: MARINE SCIENTIFIC RESEARCH, THIRD COMMITTEE

WORKING GROUP - 9 APRIL

1. UPON CONVENING WORKING GROUP, CHAIRMAN METTERNICH SUGGESTED THAT DISCUSSION OF ARTICLE 37 (SETTLEMENT OF DISPUTES) BE OMITTED BECAUSE THE SUBJECT WAS UNDER THE CONSIDERATION OF ANOTHER BODY OF THE CONFERENCE. THERE WERE NO OBJECTIONS TO THE CHAIRMAN'S PROPOSAL, AND ONLY INDIA RESERVED ITS POSITION ON ARTICLE 37.

2. DISCUSSION ON DEVELOPMENT AND TRANSFER OF TECHNOLOGY PROCEEDED IN GENERAL FASHION RATHER THAN ARTICLE-BY-ARTICLE. PERU INTRODUCED AND DISTRIBUTED SPANISH TEXT OF AMENDMENTS TO MOST OF ARTICLES ON TECHNOLOGY TRANSFER. MAIN THRUST OF THEIR AMENDMENTS IS TO REDRESS IMBALANCE THEY PERCEIVE IN PRESENT WORDING OF SNT. PERUVIAN AMENDMENTS REQUIRE, INTER ALIA, THAT

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PAGE 02 USUN N 01521 130038Z

TECHNOLOGY TRANSFER BE DONE IN A MANNER WHICH RESPECTS THE

SOVEREIGNTY OF THE RECEPTOR STATE AND AIDS THAT STATE IN REALIZING ITS NATIONAL POLICIES. THE ELIMINATION OF MONOPOLISTIC AND RESTRICTIVE PRACTICES IS CALLED FOR, AND ONE OF THE FUNCTIONS PROPOSED FOR REGIONAL MARINE SCIENCE CENTERS IS THE SYSTEMATIC COMPILATION OF INFORMATION REGARDING THE COMMERCIALIZATION OF TECHNOLOGY THROUGH CONTRACTS AND OTHER ARRANGEMENTS REGARDING PATENTS. PERU PROPOSED A NEW ARTICLE 12, WHEREBY DISPUTES REGARDING TECHNOLOGY TRANSFER MUST BE SUBMITTED TO THE TRIBUNALS OF THE RECEPTOR STATE. PORTUGAL GENERALLY SUPPORTED PERU, BUT URGED DEEMPHASIS OF REGIONAL MARINE SCIENCE CENTERS BECAUSE THEY WOULD BE LIKELY TO HAMPER NATIONAL DEVELOPMENT.

3. INDIA STATED THAT TECHNOLOGY TRANSFER ARTICLES MUST BE ORIENTED SO THAT THEY ARE MORE FAVORABLE TO DEVELOPING COUNTRIES THAN DEVELOPED. IN PARTICULAR, A LEGAL REGIME WHICH PERPETUATES MONOPOLISTIC PRACTICES AND PATENTS IS NOT ACCEPTABLE. INDIA STATED THAT TECHNOLOGY TRANSFER IS THE MOST IMPORTANT SUBJECT FOR THE INTERNATIONAL AUTHORITY IF IT IS TO BE A GOING CONCERN. THE AUTHORITY SHOULD ACQUIRE TECHNOLOGY FROM DEVELOPED NATIONS AND IN TURN EVERY NATION SHOULD HAVE THE RIGHT TO ACQUIRE TECHNOLOGY FROM THE AUTHORITY. IN INDIA'S VIEW THE FREEDOM OF MARINE RESEARCH AND THE TRANSFER OF TECHNOLOGY WERE CLOSELY LINKED; A CONSENT REGIME FOR RESEARCH IN THE ECONOMIC ZONE WAS REQUIRED TO ASSURE THAT DEVELOPING STATES WOULD RECEIVE TECHNOLOGY TRANSFER.

4. THE U.S. NOTED THAT THE LINK INDIA DREW BETWEEN THE FREEDOM OF MARINE RESEARCH AND TECHNOLOGY TRANSFER WAS UNREALISTIC BECAUSE TECHNOLOGY TRANSFER CANNOT BE ACCOMPLISHED THROUGH THE SPORADIC VISITS OF RESEARCH VESSELS; TECHNOLOGY TRANSFER IS PROBABLY BEST ACCOMPLISHED BY LONG-TERM EFFORTS THROUGH MULTILATERAL MEANS. THE U.S. QUESTIONED THE WISDOM OF DEALING IN DETAIL WITH TECHNOLOGY TRANSFER IN AN LOS CONVENTION BECAUSE SUCH A PROCEDURE MAY MAKE PROGRESS MORE DIFFICULT IN FORA SPECIFICALLY DEALING WITH TECHNOLOGY TRANSFER, SUCH AS UNCTAD.

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PAGE 03 USUN N 01521 130038Z

5. THE FRG, NOTING THAT EXPERIENCE HAS SHOWN THAT TECHNOLOGY TRANSFER CAN SUCCEED ONLY IF IT IS ADAPTED TO ALL CONDITIONS (I.E., ECONOMIC, LEGAL, TECHNOLOGICAL, ETC.) OF THE RECEPTOR STATE, PROPOSED THE FOLLOWING NEW THIRD PARAGRAPH TO ARTICLE 1: QUOTE STATES SHALL ENDEAVOR TO FOSTER AN ECONOMIC AND LEGAL CLIMATE FAVORABLE TO THE TRANSFER OF MARINE TECHNOLOGY TO BENEFIT ALL PARTIES CONCERNED ON AN EQUITABLE BASIS, TO WHICH END THEY SHALL PROVIDE SOURCE

ENTERPRISES AND GOVERNMENTS WITH APPROPRIATE INFORMATION
REGARDING RELEVANT SOCIAL AND ECONOMIC OBJECTIVES AND
LEGISLATION IN THE AREA OF TRANSFER OF MARINE TECHNOLOGY
UNQUOTE.

6. THE USSR AGREED WITH PRESENT WORDING OF ARTICLES 1
THROUGH 8 AND RESERVED ON ARTICLE 9. IN ARTICLE 10, THEY
WOULD DELETE THE REFERENCE TO THE INTERNATIONAL AUTHORITY
AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS.

7. NEXT MEETING OF MARINE SCIENTIFIC RESEARCH WORKING
GROUP ON 13 APRIL.
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